
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,
Plaintiff,

v.

BRYAN HERNANDEZ, et al.,
Defendant.

MEMORANDUM DECISION AND
ORDER CONTINUING TRIAL

Case No. 2:21-CR-150 -TS

District Judge Ted Stewart

Defendants Bryan Hernandez, Cindy Hurtado, and Rodrigo Padilla were named in an Indictment on April 14, 2021. A trial date of June 21, 2021 was set. On May 12, 2021, a Superseding Indictment was filed adding four new Defendants. A July 26, 2021 trial date was set as to these Defendants.

18 U.S.C. § 3161(h)(6) excludes “[a] reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted.” “The obvious purpose behind the exclusion is to accommodate the efficient use of prosecutorial and judicial resources in trying multiple defendants in a single trial.”¹ This section requires any period of delay be “reasonable.” “In determining reasonableness of the period excluded, all relevant circumstances must be considered.”² In particular, the Tenth Circuit has provided three factors to consider: “(1) whether the defendant is free on bond, (2) whether the defendant zealously pursued a speedy trial, and (3) whether the

¹ *United States v. Theron*, 782 F.2d 1510, 1514 (10th Cir. 1986).

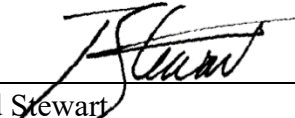
² *Id.*

circumstances further the purpose behind the exclusion to ‘accommodate the efficient use of prosecutorial and judicial resources in trying multiple defendants in a single trial.’”³ Having considered all relevant factors, the Court will continue the trial date of Bryan Hernandez, Cindy Hurtado, and Rodrigo Padilla to July 26, 2021, and exclude time under the Speedy Trial Act.

SO ORDERED.

DATED this 16th day of June, 2021.

BY THE COURT:



Ted Stewart
United States District Judge

³ *United States v. Vogl*, 374 F.3d 976, 984 (10th Cir. 2004) (quoting *United States v. Olivo*, 69 F.3d 1057, 1061–62 (10th Cir. 1995)).